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Abcor Inc, Wilmington, MA Walden Div

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Air Pollution Regulations in State Implementation Plans:

Wisconsin

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Wisconsin

by

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Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

This report is issued by the Environmental Protection Agency to report air pollution regulations of interest to a limited number of readers. Copies are available, for a fee, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

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Publication No. EPA-450/3-78-099

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

WISCONSIN

Submittal Date	Approval Date	Description
1/19/73	5/14/73	Emergency Episode NR 154.01 (41) (c)-3, NR 154.01 (41) (c)-4.

FEDERAL REGULATIONS

Section Number	Description
52.2573	. Public Availability of Emission Data
52.3578	. Compliance Schedule
52.2579	. Review of New or Modified Indirect Sources
52.2581	. Prevention of Significant Deterioration

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STATE AIR POLLUTION REGULATIONS

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FOREWORD

Chapter 144. Wis. Stats., directs the department of Natural Resources to organize a comprehensive program to enhance the quality, management, and protection of the state's air resources. These rules are one part of that program. Chapter 144 also stresses the role of county government in establishing local air pollution control programs in cooperation with the department.

The objectives of these rules are to maintain standards of air quality at a level which will provide adequate protection to public health and welfare, and to prevent detrimental effect on property and our environment.

Nothing in these rules or in Chapter 144, Wis. Stats., prohibits a county or local jurisdiction from adopting more restrictive ordinances where local conditions indicate their need.

These rules, all or in part, may be adopted by reference by a county or municipality.

It shall be a policy of the department to seek reasonable uniformity among local air pollution control ordinances in order to make the statewide comprehensive program more effective and less complicated for all persons concerned.

These rules are subject to periodic revision to reflect advancing control technology, increasing knowledge of the effect on health of sub-acute long term exposure to air pollutants and increased knowledge of the effect of pollutants on plant life, animal life, soils, and water resources.

(1.0) NR 154.01 Definitions.

1. Air contaminant:

   Dust, fly ash, particulate, smoke,soot, fume, mist fog, vapor, gas, odorous substance, radioactive substance, allergen, pathogen, or any combination thereof.

2. Air pollution:

   The presence in the ambient air of one or more air contaminants in such quantity and of such duration as is or tends to be injurious to human health and welfare, animal or plant life, property, or water quality, or would unreasonably interfere with the enjoyment of life or property, or would reduce the visibility on highways or navigable waters so as to create hazard, or would interfere with the safe operation of an airport.

3. AQCR:

   Air quality control region.

4. Air region:

   An area designated pursuant to federal or Wisconsin laws in which a program to maintain or achieve air standards is implemented on a regional basis.

   (a) "Southeast Wisconsin Intrastate AQCR": The counties of Kenosha, Racine,Milwaukee, Waukesha, Washington, Walworth, and Ozaukee.

   (b) "Subregion 1 of the Lake Michigan Intrastate AQCR": The counties of Brown, Outagamie and Winnebago.

5. Ambient air:

   The portion of the atmosphere external to buildings and to which the general public has access.

6. ASME:

   American Society of Mechanical Engineers, 345 East 47th Street, New York, New York.

7. BTU:

   British Thermal Unit.

8. Construction:

   Site preparation for, fabrication, erection, or installation of an air contaminant source.

9. Department:

   The department of Natural Resources, state of Wisconsin.

10. Dose:

    The total exposure to a pollutant over a specified time period. (Dose $= \int_{T_1}^{T_2} C \, dT$ where T_1 is the start and T_2 the end of the time period and C the concentration.)

11. Emergency or reserve equipment:

That equipment used when normal equipment fails, or used only to meet high peak loads.

12. Emission:

The act of releasing or discharging air pollutants into the ambient air.

13. Equivalent air-dried kraft pulp:

Pulp production which produces a loading of black liquor solids to the recovery furnace equivalent to that loading produced with kraft pulp.

14. Equivalent opacity:

An opacity of 20% per Ringelmann number.

15. Fugitive dust:

Solid airborne particles emitted from any source other than a flue or stack.

16. Implementation plan:

A plan adopted to implement, maintain, and enforce air standards within an air region, or portion thereof.

17. Kraft process:

Any pulping process which uses an alkaline sulfide solution containing sodium hydroxide and sodium sulfide for a cooking liquor.

18. Modification:

Any change in method of operation which increases the amount of any pollutant emitted from a source, except a change in production rate, or operating hours of existing equipment, or a change of fuel type provided the total amount of pollutants emitted is not increased.

19. New source:

Any affected facility, the construction or modification of which is commenced after the effective date of these rules.

20. Non-condensibles:

    Gases and vapors from processes that are not condensed with the equipment used in those processes.

21. Opacity:

    The state of a substance which renders it partially or wholly impervious to rays of light.

22. Open burning:

    Oxidation from which the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

23. Organic compounds:

    Any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element and having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions.

24. Particulate or particulate matter:

    Any material which exists as a solid at standard conditions.

25. Performance Test:

    Measurements of emissions or other procedures used for the purpose of determining compliance with a standard of performance.

26. Person:

    Any individual, corporation, cooperative, owner, tenant, lessee, syndicate, partnership, firm, association, trust, estate, public or private institution, political subdivision of the state of Wisconsin, any state agency, or any legal successor, representative, agent, or agency of the foregoing.

27. Parts per million (ppm):

    Parts of a contaminant per million parts of gas by volume.

28. Process weight:

    The total weight of all materials introduced into any source operation, except liquid fuels, gaseous fuels, and air.

29. Regulating authority:

The agency which has jurisdiction over a source.

30. Ringelmann chart:

The chart published by the U. S. Bureau of Mines in which are illustrated graduated shades of grey to black for use in estimating the shade or density of smoke.[1]

31. Secretary:

The secretary of the department of Natural Resources, state of Wisconsin.

32. Semistationary sources:

Sources that have the capability of emitting while moving but generally do not. (Including but not limited to diesel cranes, diggers and other construction equipment.)

33. Smoke:

All products of combustion of sufficient density to be observable including but not limited to carbon, dust,fly ash, and other particles.

34. Source:

Any installation, location, or operation which emits air contaminants into the ambient air.

35. Stack:

Any device or opening designed or used to emit air contaminants to the ambient air.

36. Standard conditions:

A temperature of 25° centigrade and a pressure of 760 millimeters of mercury.

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[1]Ringelmann Chart published Dec. 1950 by the U.S. Bureau of Mines.

37. Standby fuel:

Any fuel normally used less than 15 days per year and in place of a regular fuel.

38. Start up:

The initial use of a piece of equipment, plant, or source.

39. Total reduced sulfur (TRS):

Hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides.

40. Uncombined water:

Water not chemically or physically bound to other materials.

41. Air pollution episode levels:

(a) "Alert":

The alert level is that concentration of pollutants at which first stage control actions are to begin. An alert will be declared when any one of the following levels is reached at any monitoring site and meteorological conditions are such that the pollutant concentrations can be expected to remain at the above levels for 12 or more hours or increase unless control actions are taken.

1. The SO_2 dose is equal to or greater than 2.8 ppm-hr. (7,500 μg-hr/m^3) for any consecutive 8-hour period in the preceding 16 hours.

2. The particulates dose is equal to or greater than 28 COHs-hr. (3,500 μg-hr/m^3) for any consecutive 8-hour period in the preceding 16 hours.

3. SO_2 and particulate combined - product of SO_2, ppm, 24-hour average, and COHs, 24-hour average equal to 0.2 or product of SO_2 $\mu g/m^3$, 24-hour average, and particulate $\mu g/m^3$, 24-hour average equal to 65×10^3.

4. The CO dose is equal to or greater than 120 ppm-hr. (138 mg-hr/m^3) for any consecutive 8-hour period in the preceding 16 hours.

5. The oxidant (O_3) dose is equal to or greater than 0.4 ppm-hr. (800 μg-hr/m^3) for any consecutive 4-hour period in the preceding 8 hours.

6. The NO_2 dose is equal to or greater than 2.4 ppm-hr. (4,510 μg-hr/m^3) for any consecutive 4-hour period in the preceding 8 hours.

(b) "Warning":

The warning level indicates that air quality is continuing to degrade and that additional control actions are necessary. A warning will be declared when any one of the following levels is reached at any monitoring site and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for 12 or more hours or increase unless control actions are taken.

1. The SO_2 dose is equal to or greater than 5.6 ppm-hr. (15,000 μg-hr/m^3) for any consecutive 8-hour period in the preceding 16 hours.

2. The particulates dose is equal to or greater than 56 COHs-hr. (7,000 μg-hr/m^3) for any consecutive 8-hour period in the preceding 16 hours.

3. SO_2 and particulate combined - product of SO_2, ppm, 24-hour average and COHs, 24-hour average equal to 0.8 or product of SO_2 $\mu g/m^3$, 24-hour average and particulate $\mu g/m^3$, 24-hour average equal to 261 x 10^3.

4. The CO dose is equal to or greater than 240 ppm-hr. (275 mg-hr/m^3) for any consecutive 8-hour period in the preceding 16 hours.

5. The oxidant (O_3) dose is equal to or greater than 1.2 ppm-hr. (2,000 μg-hr/m^3) for any consecutive 4-hour period in the preceding 8 hours.

6. The NO_2 dose is equal to or greater than 4.8 ppm-hr. (9,040 μg-hr/m^3) for any consecutive 4-hour period in the preceding 8 hours.

(c) "Emergency":

The emergency level indicates that air quality is continuing to degrade to a level that should never be reached and that the most stringent control actions are necessary.

An emergency will be declared when any one of the following levels is reached at any monitoring site and meteorological conditions are such that this condition can be expected to continue for 12 or more hours.

NOTE: Copies of Fundamentals of Smoke Abatement, December, 1950, Ringelmann Chart, Information Circular 7588, are available for inspection at the offices of Department of Natural Resources, Pyare Square Building, and Secretary of State and Revisor of Statutes, Capitol, Madison, Wisconsin, and may be procured for personal use from the United States Department of Interior, Washington, D.C.

1. The SO_2 dose is equal to or greater than 8.0 ppm-hr. (21,500 μg-hr/m^3) for any consecutive 8-hour period in the preceding 16 hours.

2. The particulates dose is equal to or greater than 72 COHs-hr. (9,000 μg-hr/m^3) for any 8-hour period in the preceding 16 hours.

3. SO_2 and particulate combined - product of SO_2 ppm, 24-hour average and COHs, 24-hour average equal to 1.2 or product of SO_2 $\mu g/m^3$, 24-hour average and particulate ug/m^3, 24-hour average equal to 393×10^3.

4. The CO dose is equal to or greater than 37.0 ppm-hr. (368 mg-hr/m^3) for any consecutive 8-hour period in the preceding 16 hours.

5. The oxidant (O_3) dose is equal to or greater than 1.4 ppm-hr. (2,800 μg-hr/m^3) for any consecutive 4-hour period in the preceding 8 hours.

6. The NO_2 dose is equal to or greater than 6.4 ppm-hr. (12,050 ug-hr/m^3) for any consecutive 4-hour period in the preceding 8 hours.

(2.0) NR 154.02 Applicability.

The provisions of this chapter govern the release of air contaminants to the ambient air and the regulation of them by:

1. The department or

2. A countywide or regional program approved by the department.

(3.0) NR 154.03 Registration of existing sources.

When requested by the department a person shall furnish to the department information to locate and classify contaminant sources according to type, level, duration, characteristic, and such other information as may be necessary. The information shall be sufficient to evaluate the effect on air quality and the compliance with these rules.

(3.0) NR 154.04 Application to construct or modify.

1. No person shall cause, suffer, allow, or permit the construction of a new air contaminant source, or the addition to, enlargement of, relocation, modification, or replacement of an existing source without prior written approval by the regulating authority. The applicant shall show by plans, specifications, and other data that the facility will operate without causing violation of these rules, and the ambient air quality standards, and will comply with the implementation plan requirements for approval.

    (a) The submittal shall include dates of start of construction and expected completion.

    (b) Approval to construct or modify is cancelled if work is not begun within 1 year of approval. Approval may be extended for 6 months on written request.

    (c) Applications to construct or modify must be submitted to the regulating authority for all sources which:

        1. Can burn coal, coke, or other solid fuel with 500 pounds or more per hour input.

        2. Can burn 300 or more gallons per hour of fuel oil.

        3. Can burn gas at more than 750,000 cubic feet per day.

        4. Can incinerate over 500 pounds per hour. Incinerators this size are to be licensed under the solid waste disposal standards, Wis. Adm. Code chapter NR 151. A single submittal to the department of information for licensing under chapter NR 151 is sufficient for these rules.

        5. Produce carbon black, charcoal, detergent and soap, explosives, hydrofluoric acid, nitric acid, paint, varnish, phosphoric acid, plastics, printing ink, sodium carbonate, sulfuric acid, dehydrated alfalfa, dried corn, roasted coffee, feed and grain, fish meal, fertilizers, smoked meats and sausage, starch, primary metals, ferroalloys, metallurgical coke, cast

metals, asphalt roofing, asphaltic concrete, brick or clay products, calcium carbide, cement, ceramics, cleaned coal, concrete mix, desulfurized oil, fiber glass, frit glass, gypsum, lime, mineral wool, paper board, perlite, paper pulp, phosphate rock, gravel or sand, refined petroleum or petrochemical products, or wood products.

6. Have uncontrolled emissions which exceed or are estimated to exceed 6 pounds per hour of any pollutant or which have emission controls or limits specified in these rules.

(d) Sources not included in subsection (1)(c) may be regulated by county, regional or local ordinances.

(e) Exemption from the requirement to make application to construct or modify under department or local rules does not relieve any person from compliance with the emission limits of this chapter.

(3.0) NR 154.05 Action on applications.

1. If within 30 days after the receipt of plans, specifications, or other information as required in section NR 154.04 the department determines the source will not be in accordance with these rules, the implementation plan, or the air quality standards, it shall issue an order prohibiting the construction, installation, or establishment of the source. If the department does not issue such an order within the 30-day period the construction, installation, or establishment of the source may proceed in accordance with the plans, specifications or other information.

(a) When plans are disapproved or an order is issued to prohibit construction, the aggrieved person may request a hearing in accordance with the rules of the department.

(b) Failure of the department to issue a ruling or order does not relieve a person from compliance with the emission limits of this chapter.

(9.0) NR 154.06 Operation and inspection of sources.

1. No person shall deny information or access to records relating to emission to an authorized representative of the department.

2. Information determined to be confidential in accordance with section 144.33, Wis. Stats., shall, upon certification of the applicant, be so treated by the department.

3. The department may require provision for sampling ports, a safe place to work for test crews, stack or performance tests by or under the direction of a qualified engineer or person with demonstrated ability in this field, or instrumentation to monitor and record emission data.

    (a) The department shall be advised in advance of stack or performance tests, and a department representative may witness the test. Test results shall be furnished to the department within 30 days.

    (b) Performance tests or stack tests shall follow the procedure and sampling train described in ASME Performance Test Code 27 or other method precribed by the department.[2]

    (c) The department shall charge a fee to cover the cost of stack or performance tests it conducts when those tests show the source to be in violation of these rules.

4. The department may require provisions for instrumentation to determine the efficiency of control equipment. Such instrumentation may include devices to measure voltage, or pressure drop across the control equipment; amperage, exhaust flow rates, or scrubbing solution flow rates to, or in the control equipment; temperature in the control equipment; or other information determined to be necessary by the department.

5. No person shall deny entry at any reasonable time to an authorized representative of the department for purposes of inspection, or at any time when an air pollution episode condition exists or is believed imminent.

6. The department shall furnish a report of stack or performance tests or inspections it conducts to a representative of the source.

7. A person shall promptly report to the department malfunction and breakdown of control equipment or use of emergency reserve equipment, and shall report in advance planned shutdown schedules and the measures taken to minimize the down time of the control equipment. The department shall investigate repetitive breakdowns or emergency conditions.

8. No person shall cause, suffer, allow, or permit the installation or use of any machine, equipment or other device for dilution of emissions which would otherwise be in violation of these rules, unless written approval has been obtained from the department.

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[2] American Society of Mechanical Engineers Performance Test Code 27, copyright 1957.

NOTE: Copies of PTC 27 - 1957 are available for inspection in the offices of Department of Natural Resources, Pyare Square Building, and Secretary of State and Revisor of Statutes, Capitol, Madison, Wisconsin, and may be obtained for personal use from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017.

9. Results of stack or performance tests submitted to the department shall include information from the instrumentation specified in subsection (4) taken at the time of the tests, along with copies of the original data sheets, nozzle and stack diameter, weight of material sampled and other information needed to evaluate the stack or performance tests.

(2.0) NR 154.07 County and regional programs.

Approved local programs must be compatible with these rules and the implementation plan, avoid duplication, and provide:

1. Sufficient staff and resources to carry out the program.

2. An air pollution control officer responsible for the program.

3. Record keeping and reporting to the department of emission inventory, air quality monitoring, enforcement status, and other data on a standardized basis and in the form prescribed by the department.

4. An agreement defining the responsibilities of the department and local agency to achieve an effective program.

5. Countywide or regionwide enforcement of regulations involving:

   (a) Open, backyard, and leaf burning.

   (b) Ringelmann and opacity standards on stationary, semi-stationary and mobile sources.

   (c) Incinerators rated at 500 pounds of waste per hour or less.

   (d) Fugitive dust and other pollutants from sources other than those specified in section NR 154.04.

   (e) Fugitive dust and other pollutants from sources specified in section NR 154.04, where authorized by the department.

   (f) Zoning restrictions where air pollution considerations are involved.

6. Consultation on traffic planning, approval, and implementation where air pollution considerations are involved, such as freeways, highway relocation and highway widening.

(15.0) NR 154.08 Enforcement and penalties.

Whenever the department has reason to believe these rules have been violated, it may issue a written notice, which may include an order.

1. Within 10 days after the date of notice the aggrieved person may make a written request for a hearing.

2. Penalties: Any person who violates this chapter, or who fails, neglects, or refuses to obey any general or special order of the department, shall forfeit not less than $10 nor more than $5,000, for each violation, failure, or refusal. Each day of continued violation is a separate offense. While the order is suspended, stayed, or enjoined, such penalty shall not accrue.

(2.0) NR 154.09 Emissions prohibited.

1. No person shall cause, suffer, allow, or permit emissions into the ambient air in excess of the limits set in these rules, except:

   (a) When an approved program or plan with a time schedule for correction has been undertaken and correction is being pursued with diligence.

   (b) Emissions in excess of the limits shown which are temporary and due to scheduled maintenance, breakdown of equipment or start-up or shut-down of operations shall not be considered a violation provided that the department is immediately notified of such unusual occurrence and it considers the requested period of time necessary for correction to be reasonable.

   (c) The use of emergency or reserve equipment needed for meeting of high peak loads, testing of the equipment, or other uses approved by the department. Such equipment must be specified in writing as emergency or reserve equipment by the department and cannot have a normal use of more than 15 days per year. Upon start-up of this equipment notification must be given to the department which may or may not give approval for continued equipment use.

(51.13) NR 154.10 Limitations on open burning.

1. Open burning is prohibited with the following exceptions:

   (a) Burning of brush or weeds on agricultural lands.

   (b) Fires set for practice and instruction of firemen, or testing of fire fighting equipment.

   (c) Backfires to control forest fires or fires set for forest or wildlife habitat management with approval of the department where no reasonable alternative is available.

   (d) Burning of explosive or dangerous material for which there is no other safe means of disposal.

   (e) Burning of small amounts of dry combustible rubbish (not to include wet combustible rubbish, garbage, oily substances, asphalt, plastic or rubber products) except where prohibited by local ordinance.

   (f) Burning at rural or isolated solid waste disposal sites outside of the Southeast Wisconsin Intrastate AQCR that serve less than 2,500 people and are licensed to burn waste under section NR 151.18 of the solid waste disposal standards, or burning of special waste where permits are obtained from both the air pollution control section and the solid waste disposal section of the department.

   (g) Outdoor fires for cooking, ceremonies, or recreation.

   (h) Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-ways outside of the Southeast Wisconsin Intrastate AQCR.

   (i) Burning of trees, wood, brush, or demolitions materials (excluding asphaltic, or rubber materials) by such methods approved by the department.

   (j) Small open flames for welding, acetylene torches, safety flares, heating tar, or similar applications.

   (k) Burning of gaseous or liquid waste in a manner approved by the regulating authority.

   (l) Burning of small amounts of dry leaves and dry plant clippings except where prohibited by local ordinance.

2. All allowed open burning shall be conducted in a safe pollution free manner, when wind and weather conditions are such as to minimize adverse effects and in conformance with local and state fire protection regulations.

(50.1) NR 154.11 Control of particulate emissions.

1. GENERAL LIMITATIONS. No person shall cause, suffer, allow, or permit particulate matter to be emitted into the ambient air which substantially contributes to exceeding of an air standard, or creates air pollution.

2. FUGITIVE DUST. No person shall cause, suffer, allow, or permit any materials to be handled, transported, or stored without taking precautions to prevent particulate matter from becoming air-borne. Nor shall a person allow a structure, a parking lot, or a road to be used, constructed, altered, repaired, sand blasted or demolished without taking such precautions. Such precautions shall include, but not be limited to:

   (a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, or construction operations.

   (b) Application of asphalt, oil, water, suitable chemicals, or plastic covering on dirt roads, material stockpiles, and other surfaces which can create airborne dust, provided such application does not create a hydrocarbon, odor, or water pollution problem.

   (c) Installation and use of hoods, fans and air cleaning devices to enclose and vent the areas where dusty materials are handled.

   (d) Covering or securing of materials likely to become airborne while being moved on public roads, railroads, or navigable waters.

   (e) Conduct of agricultural practices such as tilling of land or application of fertilizers in such manner as not to create air pollution.

   (f) The paving or maintenance of roadways or parking lots so as not to create air pollution.

3. PARTICULATE CATEGORY APPLICATIONS AND PROGRAM DUE DATES. Particulate categories shall be as follows:

(a) Category I:

1. Applies to new or modified sources throughout the state which are constructed or modified after the effective date of these rules. Compliance with these limitations shall be shown to the department on start up of the new source or modification.

(b) Category II:

1. Applies to all existing sources throughout the state. Compliance with these limitations shall be by July 1, 1973. A control plan or program, specifying equipment design and timetable for implementation shall be submitted to the department by July 1, 1971.

(c) Category III:

1. In addition to the limitations of category II existing sources in subregion 1 of the Lake Michigan Intrastate AQCR shall meet the emission limits of category III. If the department finds that major changes in the control plan or program are needed to meet these limits compared to the limits of category II, it may grant until January 1, 1973 for the submittal of a new control plan or program, and until May 1, 1975 for compliance with these limits. If a major change is not needed the new control plan or program and compliance with these limits shall be at earlier dates specified by the department.

(d) Category IV:

1. In addition to the limitations of category II existing sources in the Southeast Wisconsin Intrastate AQCR shall meet the emission limits of category IV. If the department finds that major changes in the control plan or program are needed to meet these limits compared to the limits of category II, it may grant until January 1, 1973 for the submittal of a new control plan or program, and until May 1, 1975 for compliance with these limits. If a major change is not needed the new control plan or program and compliance with these limits shall be at earlier dates specified by the department.

2. The department may grant a source variance from category IV to category III if it determines that such variance will not cause significant degradation of air quality and the source is so located that it will not affect the attainment of an air standard.

(e) All categories:

1. No extensions beyond these time limits for implementation may be granted without formal application to the department which determines adequate justification.

(50.1.1) 4. PARTICULATE EMISSION LIMITS FOR PROCESSES. No person shall cause, suffer, allow, or permit the emission of particulate matter to the ambient air from a process source in excess of one of the following limitations: dates for compliance are specified in section NR 154.11 (3).

(a) Category I:

1. All sources in this category; emission in excess of:

a. Any other process not enumerated below: emission calculated by the use of the equation, $E=3.59\ P^{0.62}$ for process weight rates up to 60,000 pounds per hour; by use of the equation $E-17.31\ P^{0.16}$ for process weight rates of 60,000 pounds per hour or more; (E is the allowable emissions in pounds per hour, and P is the process weight rate in tons per hour,) or in concentrations greater than those listed in section NR 154.11 (4)(b), whichever is more restrictive. Some examples of these calculations are given in the following table.

Process Weight Rate (lbs/hr.)	Emission Rate (lbs./hr.)
50	0.03
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	14.99
60,000	29.60
80,000	31.19
120,000	33.28
160,000	34.85
200,000	36.11
400,000	40.35
1,000,000	46.72

b. Cement Kilns: 0.30 pounds of particulate per ton of feed to the kiln.

c. Cement clinker coolers: 0.10 pounds of particulate per ton of feed to the kiln.

(b) Categories II, III and IV:

1. All sources in these categories; emissions in excess of:

a. Cupolas: 0.45 pounds dust per 1,000 pounds of gas

b. Electric arc, or induction furnaces: 0.1 pounds dust per 1,000 pounds of gas

c. Open hearth furnaces: 0.2 pounds dust per 1,000 pounds of gas

d. Basic oxygen furnaces: 0.1 pounds dust per 1,000 pounds of gas

e. Sintering plants: 0.2 pounds dust per 1,000 pounds of gas

f. Air melting furnaces: 0.3 pounds dust per 1,000 pounds of gas

g. Heating, or preheating furnaces: 0.3 pounds dust per 1,000 pounds of gas

h. Blast furnaces: 0.2 pounds dust per 1,000 pounds of gas

i. Asphalt, concrete, or aggregate mix plants: 0.3 pounds dust per 1,000 pounds of gas

j. Cement kilns: 0.2 pounds dust per 1,000 pounds of gas

k. Lime kilns: 0.2 pounds dust per 1,000 pounds of gas

l. Cement clinker coolers: 0.3 pounds dust per 1,000 pounds of gas

m. Grinding, drying, mixing, conveying, sizing, or blending: 0.2 pounds dust per 1,000 pounds of gas

n. Grain processing, or handling: 0.4 pounds dust per 1,000 pounds of gas

o. Any other process not enumerated: 0.4 pounds dust per 1,000 pounds of gas.

(51.5) 5. PARTICULATE EMISSION LIMITS FOR FUEL BURNING INSTALLATIONS. No person shall cause, suffer, allow or permit particulate matter to be emitted to the ambient air from any indirect heat exchanger, power or heating plant, fuel-burning installation, or pulp recovery furnace in excess of one of the following limitations: dates for compliance are specified in NR 154.11 (3).

(a) Category I:

1. Installations of 250 million BTU per hour or less: the maximum emission of 0.15 pounds of particulate matter per million BTU input to any stack,except those installations in the Southeast Wisconsin Intrastate AQCR which shall follow section NR 154.11 (5)(d)1.

2. Installations of more than 250 million BTU per hour: the maximum emission of 0.10 pounds of particulate matter per million BTU input to any stack.

(b) Category II:

1. All installations in this category: emissions determined by use of figure 2 of the ASME Standard Number APS-1 with the maximum emission irrespective of stack height of 0.60 pounds of particulate matter per million BTU to any stack.[3]

(c) Category III:

1. All installations in this category: emissions determined by use of figure 2 of the ASME Standard Number APS-1 with the maximum emission irrespective of stack height of 0.30 pounds of particulate matter per million BTU input to any stack.

(d) Category IV:

1. Installations of less than 250 million BTU per hour (heat input of an installation shall follow ASME Standard Number APS-1): these installations shall not burn coal. In addition the maximum emission of 0.15 pounds of particulate matter per million BTU input to any stack.

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[3]American Society of Mechanical Engineers Standard Number APS-1,Second Edition, November 1968, copyright 1969.

2. Installations of 250 million BTU per hour or more: the maximum emission of 0.15 pounds of particulate matter per million BTU input to any stack.

(50.1) (51.9) 6. PARTICULATE EMISSION LIMITS FOR INCINERATORS. No person shall cause, suffer, allow, or permit particulate matter, concentrations corrected to 12% carbon dioxide, to be emitted to the ambient air from any incinerator in excess of one of the following limitations: dates for compliance are specified in section NR 154.11 (3).

(a) Category I:

1. Incinerators rated at 4,000 pounds of waste per hour or more: 0.15 pounds of particulate per 1,000 pounds of exhaust gas.

2. Incinerators rated at over 500 pounds of waste per hour and less than 4,000 pounds of waste per hour: 0.20 pounds of particulate per 1,000 pounds of exhaust gas.

3. Incinerators rated at 500 pounds of waste per hour or less: 0.30 pounds of particulate per 1,000 pounds of exhaust gas.

4. Prefabricated domestic incinerators below 5 cubic feet capacity shall not exceed the performance emission requirements prescribed by the United States of America Standards Institute for domestic incinerators, standard Z21.6.[4]

(b) Category II:

1. Incinerators rated at over 500 pounds of waste per hour: 0.50 pounds of particulate per 1,000 pounds of exhaust gas.

2. Incinerators rated at 500 pounds of waste per hour or less: 0.60 pounds of particulate per 1,000 pounds of exhaust gas.

3. Prefabricated domestic incinerators below 5 cubic feet capacity shall not exceed the performance emission requirements prescribed by the United States of America Standards Institute for domestic incinerators, standard Z21.6.

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[4] United States of America Standards Institute Approval Requirements for Domestic Gas-Fired Incinerators, number Z21.6, approved December 28, 1966, copyright 1967.

(c) Categories III and IV:

1. Incinerators of 5 cubic feet capacity or more: 0.30 pounds of particulate per 1,000 pounds of exhaust gas.

2. Prefabricated domestic incinerators below 5 cubic feet capacity shall not exceed the performance emission requirements prescribed by the United States of America Standards Institute for domestic incinerators, standard Z21.6.

(50.1.2) 7. VISIBLE EMISSIONS. No person shall cause, suffer, allow, or permit emissions into the ambient air from any stationary source in excess of one of the following limitations: dates for compliance are specified in NR 154.11 (3).

(a) Categories I, III and IV:

1. All sources in these categories: emissions of shade or density greater than number 1 of the Ringelmann chart or 20% opacity except when:

a. Combustion equipment is being cleaned or a new fire started, not to exceed number 4 of the Ringelmann chart or 80% opacity for 5 minutes in any one hour. Combustion equipment may not be cleaned or a fire started more than 3 times per day.

b. Equipment failure occurs and emissions are not reasonably preventable, provided notification is given to the regulating authority.

c. Uncombined water is the cause of failure to meet the requirements of this rule.

d. For stated periods of time as permitted by the regulating authority for such purpose as operating test, use of emergency or reserve equipment or other good cause, provided no significant air pollution results and no hazard or unsafe condition arises.

e. Stack test data taken concurrently with Ringelmann or opacity readings show the source to be in compliance with the emission limits but not the Ringelmann or opacity limits. In this case Ringelmann or opacity limits shall be set at 0.5 Ringelmann or 10% opacity above the average read during the stack test.

NOTE: Copies of the above standard are available for inspection in the office of Department of Natural Resources, Pyare Square Building, and Secretary of State and Revisor of Statutes, Capitol, Madison, Wisconsin, and may be obtained for personal use from The American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N. Y. 10017.

NOTE: Copies of the above standard are available for inspection in the office of the Department of Natural Resources, Pyare Square Building, and Secretary of State and Revisor of Statutes, Capitol, Madison, Wisconsin, and may be obtained for personal use from American Gas Association, Inc., 605 Third Avenue, New York, N.Y. 10016.

(b) Category II:

1. All sources in this category: emission of shade or density equal to or greater than number 2 of the Ringelmann chart or 40% opacity. Exceptions listed in section NR 154.11 (7)(a) shall apply.

(50.2) NR 154.12 Control of sulfur emissions.

1. GENERAL LIMITATIONS. No person shall cause, suffer, allow, or permit emission of sulfur or sulfur compounds into the ambient air which substantially contribute to the exceeding of an air standard or cause air pollution. The limitation on sulfur content of stand-by fuel is specified in section NR 154.16 and the limitation on total reduced sulfur from pulping operations is specified in section NR 154.18 (2).

2. SULFUR LIMITATIONS. No person shall cause, suffer, allow, or permit sulfur dioxide to be emitted to the ambient air in amounts greater than:

(a) New or modified fossil fuel-fired steam generators rated at over 250 million BTU per hour:

1. Firing of liquid fossil fuel: 0.80 pounds of SO_2 per million BTU input.

2. Firing of solid fossil fuel: 1.2 pounds of SO_2 per million BTU input.

(b) New or modified sulfuric acid plants other than those utilized primarily as a means of preventing emission to ambient air of sulfur dioxide or other sulfur compounds: 4.0 pounds of SO_2 per ton of acid produced.

(50.4) NR 154.13 Control of organic compound emissions.

1. GENERAL LIMITATIONS. No person shall cause, suffer, allow, or permit organic compound emissions into the ambient air which substantially contribute to the exceeding of an air standard or cause air pollution.

2. ORGANIC COMPOUND LIMITATIONS. No person shall cause, suffer, allow, or permit from any source in the state, organic compounds to be handled, transported, stored, or used without taking reasonable precautions to prevent hydrocarbon escape or emission. In the Southeast Wisconsin Intrastate AQCR or for any new or modified source throughout the state, such precautions shall include, but are not limited to:

   (a) Use of pressure tanks, floating roofs, vapor seals, gas-tight fittings, vapor recovery systems or similar controls on storage tanks of over 40,000 gallon capacity.

   (b) Use of vapor collection and disposal system, vapor collection adaptors and vapor-tight seal, or underfill method with the top hatches partially closed or means of creating a slight back pressure when loading tank trucks or trailers at facilities with over 40,000 gallons per day throughput.

   (c) Use of a submerged fill pipe of at least 95% or underfill method when loading tank trucks or trailers at facilities with 40,000 gallons or less per day throughput.

   (d) Use of a permanent submerged fill pipe on all tanks of over 1,000 gallon capacity, provided such a tank does not have controls as in section NR 154.13 (2)(a).

   (e) Use of systems to prevent spillage or leakage when filling tanks, trucks or trailers.

   (f) Use of caution when filling automotive tanks to prevent spillage.

   (g) Use of vapor seals, floating roofs, flexible diaphragms, gas-tight fittings, vapor recovery systems or similar controls of at least 85% efficiency on volatile organic compound water separation systems that process over 200 gallons per day.

   (h) Use of direct flame incinerators, catalytic incinerators, or smokeless flares of at least 85% efficiency on waste gas streams or vapor vent systems that emit more than 15 pounds per day or 3 pounds per hour or organic compounds.

(i) Use of incinerators, adsorption, or similar methods of at least 85% efficiency for control of organic compounds from baking, heating, curing, or drying of materials that liberate such compounds under one of the above processes in excess of 15 pounds per day or 3 pounds per hour.

(j) Use of disposal methods that prevent organic compounds from being emitted to the ambient air.

(k) Use of incinerators, adsorption, scrubbers or other methods of at least 85% efficiency for control of organic compounds from dry cleaning operations that emit more than 15 pounds per day or 3 pounds per hour or enclosed paint spray operations that emit more than 30 pounds per day or 6 pounds per hour of organic compounds.

3. EXCEPTIONS TO LIMITATIONS. The provisions of section NR 154.13 (2) shall not apply to the application or use of insecticides, pesticides, herbicides, saturated halogenated hydrocarbons, perchloroethylene, benzene, acetone trichloroethylene or other solvents which have been shown to be virtually unreactive in the formation of oxidants. A solvent shall be considered reactive if it has an aggregate of more than 20% of its total volume composed of the chemical compounds classified below or exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(a) A combination of hydrocarbons, alcohols, adehydes, esters, ethers, or ketons having an olefinic or cyclo-olefinic type of unsaturation: 5%;

(b) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8%;

(c) A combination of ethylbenzene,ketones having branched hydrocarbon structures, or toluene: 20%.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

4. ORGANIC COMPOUND PROGRAM DUE DATES. Organic compound control shall follow the following time schedule:

(a) Existing sources in the Southeast Air Region: the department may grant until January 1, 1975, for

compliance with limitations in section NR 154.13 (2). A plan or program, specifying equipment design and time table for implementation shall be submitted to the regulating authority by January 1, 1973. To extension of this time limit may be granted without formal application to the department which determines adequate justification.

(b) New sources in the state: compliance with section NR 154.13 (2) shall be shown to the department on startup or first use of the source or installation.

(50.5) NR 154.14 Control of carbon monoxide emissions.

1. GENERAL LIMITATIONS. No person shall cause, suffer, allow, or permit emission of carbon monoxide to the ambient air which substantially contribute to the exceeding of an air standard or cause air pollution.

2. CARBON MONOXIDE LIMITATIONS. No person shall cause, suffer, allow, or permit from any new source, carbon monoxide to be emitted to the ambient air unless such emissions are incinerated at 1300°F. for 0.3 seconds, or reduced by other means an equivalent amount. Such emissions shall include, but are not limited to the exhaust of cupolas, blast furnaces, basic oxygen furnaces; or waste streams from catalyst regeneration, petroleum fluid cokers, or other petroleum processes. Compliance with this limitation shall be shown to the department on start up of the source.

(50.3) NR 154.15 Control of nitrogen compound emissions.

1. GENERAL LIMITATIONS. No person shall cause, suffer, allow, or permit nitrogen oxides or nitrogen compounds to be emitted to the ambient air which substantially contribute to the exceeding of an air standard or cause air pollution.

2. NITROGEN OXIDES LIMITATIONS. No person shall cause, suffer, allow, or permit nitrogen oxides (expressed as NO_2) to be emitted to the ambient air in amounts greater than:

(a) New or modified fossil fuel-fired steam generators rated at over 250 million BTU per hour:

1. Firing of gaseous fossil fuel; 0.20 pounds of NO_2 per million BTU input.

2. Firing of liquid fossil fuel: 0.30 pounds of NO_2 per million BTU input.

3. Firing of solid fossil fuel: 0.70 pounds of NO_2 per million BTU input.

(b) New or modified weak nitric acid plants (acid 30 to 70 percent in strength:) 3.0 pounds of NO_2 per ton of acid produced.

(2.0) NR 154.16 Use of standby fuel.

1. USE OF STANDBY FUEL SHALL MEET THE FOLLOWING LIMITATIONS:

(a) Visible emissions:

1. The limits in visible emission shall be the same as section NR 154.11 (7)(b) of these rules.

(b) Particulate emission limits:

1. No person while burning standby fuel shall cause, suffer, allow, or permit to be emitted to the ambient air particulate matter which substantially contribute to the exceeding of an air standard or create air pollution.

(c) Sulfur emission limits:

1. No person shall cause, suffer, allow, or permit use of standby fuel with greater sulfur content than:

a. Coal: 1.50% (by weight as fired)

b. Residual Oil: 1.00%

c. Distillate Oil: 0.70%

2. Variance from the above sulfur limits may be granted by the department until July 1, 1975, or until existing fuel supplies are used or contracts expired.

(12.0) NR 154.17 Control of motor vehicles, internal combustion engines, and mobile sources.

1. GENERAL LIMITATIONS. No person shall cause, suffer, allow, or permit emissions of particulate matter, sulfur oxides, hydrocarbons, carbon monoxide, or nitrogen oxides from a motor vehicle, internal combustion engine, or mobile source which substantially contribute to the exceeding of an air standard or create air pollution.

2. CONTROL OF MOTOR VEHICLES. No person shall cause, suffer, allow, or permit the removal, dismantling, disconnection, disabling, or dis-

repair of any air pollution control device or system which has been installed on a motor vehicle or internal combustion engine. Such devices or systems include but are not limited to:

(a) Positive crank case ventilation system.

(b) Exhaust emission control devices.

(c) Evaporative fuel loss control systems.

(d) Any control device operating on principles such as thermal decomposition, catalytic oxidation or reduction, absorption, or adsorption.

3. REQUIREMENTS. The following requirement applies to motor vehicles in the Southeast Wisconsin Intrastate AQCR.

(a) Gasoline powered on the the road vehicles: inspection, and repair if necessary, for a gasoline-powered vehicle to be eligible for registration. Inspection and repair shall include:

1. Positive crankcase ventilation system.

2. Hosing on pollution control system.

3. Cleaning of air cleaner.

4. Setting of idle speed (manufacturer recommendation).

5. Setting of idle mixture (manufacturer recommendation on 1968 and later vehicles and best lean idle on all other).

4. VISIBLE EMISSION LIMITS FOR MOTOR VEHICLES, INTERNAL COMBUSTION ENGINES, AND MOBILE SOURCES. No person shall cause, suffer, allow, or permit visible emissions in amounts greater than the following limitations, except when uncombined water is the cause for violation.

(a) Gasoline-powered internal combustion engines of 25 HP or more, or gasoline-powered motor vehicles: no visible emissions for longer than five consecutive seconds.

(b) Diesel-powered motor vehicles of model year 1970 or later: emissions of shade or density greater than Number 1 on the Ringelmann chart or 20% opacity for longer than ten consecutive seconds.

(c) Diesel-powered motor vehicles of model year 1969 or earlier: emissions of shade or density greater than Number 2 on the Ringelmann chart of 40% opacity for longer than 10 consecutive seconds.

(d) Ships, locomotives, or semistationary diesel engines: emissions of shade or density greater than number 2 on the Ringelmann chart or 40% opacity for longer than an aggregate time of 5 minutes in any 30-minute period. At no time shall emissions exceed a shade or density greater than number 4 on the Ringelmann chart or 80% opacity.

(8.0) NR 154.20 Emergency emission control action programs.

1. GENERAL PROGRAM.

(a) Any person responsible for the operation of a source of air contaminants which emits 0.25 tons per day or more of any air contaminant for which air standards have been adopted shall prepare emission control action programs consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an AIR POLLUTION ALERT, AIR POLLUTION WARNING, or AIR POLLUTION EMERGENCY. Emission control action programs shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the objectives set forth in Tables 1-5 of section NR 154.20 (2)(e).

(b) Emission control action programs as required under section NR 154.20 (1)(a) shall be in writing and show the source of air contamination, the approximate amount of reduction of contaminants, the approximate time required to effect the program, a brief description of the manner in which the reduction will be achieved during each stage of an air pollution episode, and such other information as the department shall deem pertinent.

(c) During a condition of AIR POLLUTION ALERT, AIR POLLUTION WARNING, or AIR POLLUTION EMERGENCY emission control action programs as required by section NR 154.20 (1)(a) shall be made available on the premises to any person authorized to enforce the provisions of the department's episode procedure.

(d) Emission control action programs as required by section NR 154.20 (1)(a) shall be submitted to the department upon request within 50 days of the receipt of such request;

such emission control action programs shall be subject to review and approval by the department. If, in the opinion of the department, such emission control action programs do not effectively carry out the objectives as set forth in Tables 1-5 of section NR 154.20 (2)(e); the department may disapprove said emission control action programs, state its reason for disapproval, and order the preparation of amended emission control action programs within the time period specified in the order. If the person responsible fails within the time period specified in the order to submit an amended emission control action program which in the opinion of the department meets the said objectives, the department may revise the emission control action programs to cause it to meet these objectives. Such revised program will thereafter be the emission control action program which the person responsible must put into effect upon declaration of an air pollution episode by the secretary.

2. EMERGENCY EPISODE ORDERS. The following are orders which may be appropriate for use by the secretary under section 144.40, Wis. Stats., upon his declaration that an air pollution emergency episode exists for any air contaminants for which air standards have been adopted:

(a) Air pollution alert:

1. Any one or combination of air contaminants:

a. Any person responsible for the operation of a source of air contamination as set forth in section NR 154.20 (1)(a) shall take all AIR POLLUTION ALERT actions as required for such source of air contamination, and shall particularly put into effect the emission control action programs for an AIR POLLUTION ALERT.

2. Suspended particulate matter:

a. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

b. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 and 4:00 p.m.

c. Persons operating fuel-burning equipment which requires intermittent boiler lancing or soot

blowing shall perform such operations, to the maximum extent possible, between the hours of 12:00 Noon and 4:00 p.m.

3. Nitrogen oxides:

a. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

b. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 Noon and 4:00 p.m.

(b) Air pollution warning:

1. Any one or combination of air contaminants:

a. Any person responsible for the operation of a source of air contamination as set forth in section NR 154.20 (1)(a) shall take all AIR POLLUTION WARNING actions as required for such source of air contamination, and shall particularly put into effect the emission control action programs for an AIR POLLUTION WARNING.

2. Suspended particulate matter:

a. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

b. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

c. Persons operating fuel-burning equipment which requires intermittent boiler lancing or soot blowing shall perform such operations, to the maximum extent possible, between the hours of 12:00 Noon and 4:00 p.m.

3. Nitrogen oxides:

a. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

b. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

(c) Air pollution emergency:

1. Any one or combination of contaminants:

a. Any person responsible for the operation of a source of air contamination as described in section NR 154.20 (1)(a) shall take all AIR POLLUTION EMERGENCY actions as listed as required for such source of air contamination; and shall particularly put into effect the emission control action programs for an AIR POLLUTION EMERGENCY.

b. All manufacturing establishments except those included in section NR 154.20 (1)(a) will institute such action as will result in maximum reduction of air contaminants from their operations by ceasing, curtailing, or postponing operations which emit air contaminants to the extent possible without causing injury to persons or damage to equipment.

c. All places of employment described below shall immediately cease operations:

1. Mining and quarrying of nonmetallic minerals.

2. All contract construction work except that which must proceed to avoid physical harm.

3. Wholesale trade establishments, i.e. places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional users, or to wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies.

4. All offices of local, county, and state government and any other public body; except those offices that must continue to operate in order to enforce the requirements of this order pursuant to statute.

5. All retail trade establishments except pharmacies and stores primarily engaged in the sale of food.

6. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services, offices of insurance carriers, agents and brokers, and real estate offices.

7. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments, photographic studios, beauty shops, barber shops, shoe repair shops.

8. Advertising offices, consumer credit reporting, adjustment and collection agencies, duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services, equipment rental services, commercial testing laboratories.

9. Automobile repair, automobile services, garages.

10. Establishments rendering amusement and recreation services including motion picture theatres.

11. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

d. There shall be no open burning by any person of tree waste, vegetation, refuse, or debris in any form.

e. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

f. The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.

(d) When the secretary determines that an Air Pollution Episode condition exists at one or more monitoring sites solely because of emissions from a limited number of sources, he may order such source or sources to put into effect the emission control action programs which are applicable for each episode stage.

(e) Tables for emission reduction:

TABLE 1. EMISSION REDUCTION OBJECTIVES FOR PARTICULATE MATTER

Source of Air Contamination	Air Pollution Alert	Air Pollution Warning	Air Pollution Emergency
1.Coal or Oil-fired electric power generating facilities	a.Substantial reduction by utilization of fuels having lowest available ash content. b.Maximum utilization of midday (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c.Substantial reduction by diverting electric power generation to facilities outside of Alert Area.	a.Maximum reduction by utilization of fuels having lowest available ash content. b.Maximum utilization of midday (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c.Maximum reduction by diverting electric power generation to facilities outside of Warning Area.	a.Maximum reduction by utilization of fuels having lowest available ash content. b.Maximum utilization of midday (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing c.Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2.Coal or Oil-fired process steam generating facilities.	a.Substantial reduction by utilization of fuels having lowest available ash content. b.Maximum utilization of midday (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.	a.Maximum reduction by utilization of fuels having lowest available ash content. b.Maximum utilization of midday (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.	a.Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage. b.Maximum utilization of midday (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing

TABLE 1. EMISSION REDUCTION OBJECTIVES FOR PARTICULATE MATTER (CONT).

Source of Air Contamination	Air Pollution Alert	Air Pollution Warning	Air Pollution Emergency
2.Coal or Oil-fired process steam generating facilities	c.Reduction of steam load demands consistent with continuing plant operations.	c.Reduction of steam load demands consistent with continuing plant operations. d.Making ready for use a plan of action to be taken if an emergency develops.	c.Taking the action called for in the emergency plan.
3.Manufacturing, processing, and mining industries. OR Other persons required by the Department to prepare standby plans.	a.Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing or deferring production and allied operations.	a.Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations.	a.Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
	b.Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.	b.Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.	b.Elimination of air contaminants from trade waste disposal processes which emit particles, gases, vapors or malodorous substances.

TABLE 1. EMISSION REDUCTION OBJECTIVES FOR PARTICULATE MATTER (CONT).

Source of Air Contamination	Air Pollution Alert	Air Pollution Warning	Air Pollution Emergency
3.Continued	c.Reduction of heat load demands for processing consistent with continuing plant operations.	c.Reduction of heat load demands for processing consistent with continuing plant operations.	c.Maximum reduction of heat load demands for processing.
4.Refuse disposal operations	.Maximum reduction by prevention of open burning. b.Substantial reduction by limiting burning of refuse in incinerators to the hours between 12:00 Noon and 4:00 p.m.	a.Maximum reduction by prevention of open burning. b.Complete elimination of the use of incinerators.	a.Maximum reduction by prevention of open burning. b.Complete elimination of the use of incinerators.

TABLE 2. EMISSION REDUCTION OBJECTIVES FOR SULFUR OXIDES

Source of Air Contamination	Air Pollution Alert	Air Pollution Warning	Air Pollution Emergency
1.Coal or Oil-fired electric power generating facilities.	a.Substantial reduction by utilization of fuels having lowest available sulfur content. b.Substantial reduction by diverting electric power generation to facilities outside of Alert Area.	a.Maximum reduction by utilization of fuels having lowest available sulfur content. b.Maximum reduction by diverting electric power generation to facilities outside of Warning Area.	a.Maximum reduction by utilization of fuels having lowest available sulfur content. b.Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2.Coal or oil-fired process steam generating facilities.	a.Substantial reduction by utilization of fuels having lowest available sulfur content. b.Reduction of steam load demands consistent with continuing plant operations.	a.Maximum reduction by utilization of fuels having the lowest available sulfur content. b.Reduction of steam load demands consistent with continuing plant operations. c.Reduction of heat load demands for processing consistent with continuing plant operations.	a.Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage. b.Taking the action called for in the emergency plan.

TABLE 2. EMISSION REDUCTION OBJECTIVES FOR SULFUR OXIDES (CONT.)

Source of Air Contamination	Air Pollution Alert	Air Pollution Warning	Air Pollution Emergency
3.Manufacturing and processing industries. OR Other persons required by the Department to prepare standby plans.	a.Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.	a.Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operation.	a.Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
	b.Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.	b.Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.	b.Elimination of air contaminants from trade waste disposal processes which emit particles, gases, vapors or malodorous substances.
	c.Reduction of heat load demands for processing consistent with continuing plant operations.	c.Reduction of heat load demands for processing consistent with continuing plant operations.	c.Maximum reduction of heat load demands for processing.

TABLE 3. EMISSION REDUCTION OBJECTIVES FOR NITROGEN OXIDES

Source of Air Contamination	Air Pollution Alert	Air Pollution Warning	Air Pollution Emergency
1.Steam-electric power generating facilities.	a.Substantial reduction by utilization of fuel which results in the formation of less air contaminant. b.Substantial reduction by diverting electric power generation to facilities outside of Alert Area.	a.Maximum reduction by utilization of fuel which results in the formation of less air contaminant. b.Maximum reduction by diverting electric power generation to facilities outside of Warning Area.	a.Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2.Process steam generating facilities.	a.Substantial reduction by utilization of fuel which results in the formation of less air contaminant. b.Reduction of steam load demands consistent with continuing plant operations.	a.Maximum reduction by utilization of fuel which results in the formation of less air contaminant. b.Reduction of steam load demands consistent with continuing plant operations. c.Making ready for use a plan of action to be taken if an emergency develops.	a.Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.

TABLE 3. EMISSION REDUCTION OBJECTIVES FOR NITROGEN OXIDES (CONT.)

Source of Air Contamination	Air Pollution Alert	Air Pollution Warning	Air Pollution Emergency
3.Manufacturing and processing industries. OR Other persons required by the Department to prepare standby plans.	a.Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.	a.Maximum reduction of air contaminants from manufacturing operation by, if necessary, assuming reasonable economic hardship by postponing, production and allied operations.	a.Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
	b.Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.	b.Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.	b.Elimination of air contaminants from waste disposal processes which emit particles, gases, vapors or malodorous substances.
	c.Reduction of heat load demands for processing consistent with continuing plant operations.	c.Reduction of heat load demands for processing consistent with continuing plant operations.	c.Maximum reduction of heat load demands for processing.

TABLE 3. EMISSION REDUCTION OBJECTIVES FOR NITROGEN OXIDES (CONT.)

Source of Air Contamination	Air Pollution Alert	Air Pollution Warning	Air Pollution Emergency
4. Stationary internal combustion engines.	a. Reduction of power demands for pumping consistent with continuing operations.	a. Reduction of power demands for pumping consistent with continuing operations.	a. Maximum reduction by reducing power demands to absolute necessities consistent with personnel safety and preventing equipment damage.
		b. Maximum reduction by utilization of fuels or power source which results in the formation of less air contaminants.	b. Maximum reduction by utilization of fuels or power source which results in the formation of less air contaminants.
5. Refuse disposal operations.	a. Maximum reduction by prevention of open burning.	a. Maximum reduction by prevention of open burning.	a. Maximum reduction by prevention of open burning.
	b. Substantial reduction by limiting burning of refuse in incinerators to the hours between 12:00 Noon and 4:00 p.m.	b. Complete elimination of the use of incinerators.	b. Complete elimination of the use of incinerators.

TABLE 4. EMISSION REDUCTION OBJECTIVES FOR HYDROCARBONS

Source of Air Contamination	Air Pollution Alert	Air Pollution Warning	Air Pollution Emergency
1.Petroleum products storage and distribution.	a.Substantial reduction of air contaminants by curtailing, postponing, or deferring transfer operations.	a.Maximum reduction of air contaminants by assuming reasonable economic hardship by postponing transfer operations.	a.Elimination of air contaminants by curtailing, postponing, or deferring transfer operations to the extent possible without causing damage to equipment.
2.Surface coating and preparation.	a.Substantial reduction of air contaminants by curtailing, postponing, or deferring transfer operations.	a.Maximum reduction of air contaminants by assuming reasonable economic hardship by postponing transfer operations.	a.Elimination of air contaminants by curtailing, postponing, or deferring transfer operations to the extent possible without causing damage to equipment.
e.Manufacturing and processing industries. OR Other persons required by the Department to prepare standby plans.	a.Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.	a.Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing, production and allied operations.	a.Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

TABLE 5. EMISSION REDUCTION OBJECTIVES FOR CARBON MONOXIDE

Source of Air Contamination	Air Pollution Alert	Air Pollution Warning	Air Pollution Emergency
1. Manufacturing industries OR Other persons required by the Department to prepare standby plans.	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations.	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
2. Refuse disposal operations.	a. Maximum reduction by prevention of open burning.	a. Maximum reduction by prevention of open burning.	a. Maximum reduction by prevention of open burning.

(2.0) NR 154.21 Limitations on county, regional, or local regulations.

Nothing in these rules shall be construed to limit the provisions of any county, regional, or local ordinance, regulation, or resolution which is more stringent or restrictive.

(2.0) NR 154.22 Severability.

Should any section, paragraph, phrase, sentence, or clause of this chapter be declared invalid or unconstitutional, the remainder of this chapter shall not be affected thereby.

FOREWARD

The board of the department of Natural Resources adopted ambient air quality standards for the Southeast Wisconsin Air Region on July 9, 1970. The proposed revision of those air standards is necessary to be consistent with national ambient air standards adopted April 30, 1971. The proposed air standards will be applied throughout the State.

Air standards are definitions of the characteristics of ambient air quality which in terms of present day knowledge, need to be maintained in order to protect the public health and welfare and our environment from adverse effects of air pollution.

The purpose of air standards should be viewed as goals or objectives to be achieved by these and other rules of the Department, by regional implementation plans, and by enforcement programs of both state and local governments as population, industrial activity, and land use changes.

The standards are meaningful for pollution control when applied to achieve and maintain desired air quality as expressed by the standards.

Because of variation in population, transportation and industrial densities, in addition to variation in terrain and meteorology, equal air quality may not be achieved throughout a region or area.

These standards conform to national ambient air quality standards. They are subject to review as knowledge of the effects of air pollution on health, plant and animal life, property, visibility, and our environment increases.

These standards are promulgated pursuant to chapter 144, Wis. Stats., which directs the department of Natural Resources to undertake a comprehensive program to manage and protect the state's air resources. These rules are one part of that program.

(1.0) NR 155.01 Definitions.

1. Air region:

An area designated pursuant to federal or Wisconsin laws in which a program to maintain or achieve air standards is implemented on a regional basis.

2. Air standard or ambient air quality standard:

The definition of levels or air quality which are necessary to protect public health and welfare.

(a) Primary air standard: The level of air quality which provides protection for public health with an adequate margin of safety.

(b) Secondary air standard: The level of air quality which may be necessary to protect public welfare from anticipated adverse effects.

3. Ambient air:

The portion of the atmosphere external to buildings and to which the general public has access.

4. Implementation plan:

A plan adopted to implement, maintain and enforce air standards within an air region, or portion thereof.

5. Standard conditions:

A temperature of 25^{0} centigrade and a pressure of 760 millimeters of mercury.

6. Reference methods:

The method of choice for sampling and analyzing for an air contaminant.

7. Equivalent method:

Any method of sampling and analyzing for an air contaminant which has a consistent relationship to the reference method.

2.0 NR 155.02 Applicability of air standards.

1. Scope:

The air standards apply to the entire state without exception.

2. Air regions:

The air standards apply in the following regions:

(a) Interstate air quality control regions:

1. Duluth (Minnesota) - Superior (Wisconsin) Interstate Air Quality Control Region including the counties of Ashland, Bayfield, Burnett, Douglas, Iron, Price, Rusk, Sawyer, Taylor, and Washburn in Wisconsin, and the counties of Aitkin, Carlton, Cook, Itasca, Koochicing, Lake and St. Louis in Minnesota.

2. Southeast Minnesota - La Crosse (Wisconsin) Interstate Air Quality Control Region including the counties of Barron, Buffalo, Chippewa, Clark, Crawford, Dunn, Eau Claire, Jackson, La Crosse, Monroe, Pepin, Pierce, Polk, St. Croix, Trempealeu, and Vernon in Wisconsin, and the counties of Blue Earth, Brown, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, Le Sueur, Martin, Mower, Nicollet, Olmsted, Rice, Sibley, Steele, Wabasha, Waseca, Watonwan, and Winona in Minnesota.

3. Metropolitan Dubuque Interstate Air Quality Control Region including Grant County in Wisconsin and Clayton, Dubuque, and Jackson counties in Iowa.

4. Rockford (Illinois) - Janesville-Beloit (Wisconsin) Interstate Air Quality Control Region including Rock County in Wisconsin, and Boone, DeKalb, Ogle, Stephenson, and Winnebago counties in Illinois.

(b) Intrastate air quality control regions:

1. Lake Michigan Intrastate Air Quality Control Region, consisting of the counties of Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Sheboygan, Waupaca, Waushara, and Winnebago. For purposes of applying rules and regulations the Lake Michigan Air Region will be divided into two subregions. Winnebago, Outagamie and Brown Counties will constitute subregion 1. Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Shawano, Sheboygan, Waupaca, and Waushara Counties will constitute subregion 2.

2. Southeastern Wisconsin Intrastate Air Quality Control

Region consisting of the counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha.

3. Southern Wisconsin Intrastate Air Quality Control Region consisting of the counties of Columbia, Dane, Dodge, Green, Iowa, Jefferson, Lafayette, Richland and Sauk.

4. North Central Wisconsin Intrastate Air Quality Control Region consisting of the counties of Adams, Forest, Florence, Juneau, Langlade, Lincoln, Marathon, Oneida, Portage, Vilas and Wood.

(4.0) NR 155.03 Air Standards

1. Sulfur oxides:

(a) Primary standards:

1. 80 micrograms per cubic meter (.03 ppm) - annual arithmetic mean.

2. 365 micrograms per cubic meter (.14 ppm) - maximum 24-hour concentration not to be exceeded more than once per year.

(b) Secondary standards:

1. 60 micrograms per cubic meter (.02 ppm) - annual arithmetic mean.

2. 260 micrograms per cubic meter (0.1 ppm) - maximum 24-hour concentration not to be exceeded more than once per year.

3. 1300 micrograms per cubic meter (0.5 ppm) - maximum 3-hour concentration not to be exceeded more than once per year.

2. Suspended particulate matter:

(a) Primary Standards

1. 75 micrograms per cubic meter - annual geometric mean.

2. 260 micrograms per cubic meter - maximum 24-hour concentration not to be exceeded more than once per year.

(b) Secondary standards:

1. 60 micrograms per cubic meter - annual geometric mean.

2. 150 micrograms per cubic meter - maximum 24-hour concentration not to be exceeded more than once per year.

3. Carbon Monoxide: Primary and secondary standards

(a) 10 milligrams per cubic meter (9 ppm) - maximum 8-hour concentration not to be exceeded more than once per year.

(b) 40 milligrams per cubic meter (35 ppm) - maximum 1-hour concentration not to be exceeded more than once per year.

4. Photochemical oxidants: Primary and secondary standards.

160 micrograms per cubic meter (.08 ppm) - maximum 1-hour concentration not to be exceeded more than once per year.

5. Hydrocarbons: Primary and secondary standards.

160 micrograms per cubic meter (.24 ppm) measured and corrected for methane - maximum 3-hour concentration (6 to 9 am) not to be exceeded more than once per year.

6. Nitrogen dioxide: Primary and secondary standards.

100 micrograms per cubic meter (.05 ppm) - annual arithmetic mean.

(9.0) NR 155.04 Measurement of air quality.

1. Reference methods:

The following shall be used as reference methods when measuring air quality: Sulfur Dioxide (Pararosaniline Analysis), Suspended Particulate (High Volume Sampler), Carbon Monoxide (Nondispersive Infrared Spectrometry), Photochemical Oxidants (Gas Phase Chemiluminescence corrected for interferences due to nitrogen oxide and sulfur dioxide), Hydrocarbons (Flame Ionization corrected for methane), Nitrogen Dioxide (Jacobs - Hochheiser).

2. Equivalent methods: The following shall be considered as equavalent to reference methods for the purpose of air quality measurement: Sulfur Dioxide - Gas Chromatographic Separation, Flame Photometric Detection (provided Teflon is used throughout the instrument system in parts exposed to the air stream), Flame Photometric Detection (provided interfering sulfur compounds present in significant quantities are removed), Coulometric Detection (provided oxidizing and reducing interferences such as O_3, NO_2, and

H_2S are removed), the automated Pararosaniline Analysis; Suspended Particulate - Tape Sampler; Carbon Monoxide - Gas Chromatographic Separation, Catalytic Conversion Flame Ionization Detection; Photochemical Oxidants - Potassium Iodide Colorimetric Detection (provided a correction is made for SO_2 and NO_2), UV Photometric Detection of Ozone (provided compensation is made for interfering substances), Chemiluminesence Analysis differing from that of the reference method; all pollutants - other procedures approved by the department.

(2.0) NR 155.05 Interpretation of air quality data with respect to air standards.

1. The department shall, for implementation purposes, take into account levels and variations in natural background levels of contaminants, the quality of air entering a region, abnormal local short-term activities and the numbers and types of persons and property affected.

(2.0) NR 155.06 Guidelines for application of air standards.

1. In all air regions: No local programs may grant variances or construction or operating permits in conflict with the implementation plan for that region.

2. In all air regions: Any person may be required to reduce his emissions below limits established in an implementation plan or by air pollution control rules where his emissions cause or substantially contribute to exceeding an air standard in a localized area. In this case, appropriate special orders, which are not general in application, may be issued.

3. Fuels and raw materials: The department may prescribe characteristics of fuels and raw material for existing and planned facilities.

4. Existing air quality: Where air quality is better than secondary standards, the department shall review plans for all new sources which have the potential to degrade significantly existing local or regional air quality. If the department determines that significant degradation of air quality will result, the department shall hold a hearing in the affected area to assess the public attitude on permitting such a source.

(2.0) NR 155.07 Severability.

1. Should any section, paragraph, phrase, sentence, or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

FEDERALLY PROMULGATED

REGULATIONS

(14.0) § 52.2573 General requirements.

(b) Regulation for public availability of emission data.

1. Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

2. Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b) (1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, in forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 - June 30 and July 1 - December 31.

3. Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

4. Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

(6.0) § 52.2578 Compliance schedules.

(c) Federal compliance schedules.

1. Except as provided in subparagraph (3) of this paragraph, the owner or operator of any stationary source in the Southeast Wisconsin AQCR subject to the following emission limiting regulation in the Wisconsin implementation plan shall comply with the applicable compliance schedule in subparagraph (2) of this paragraph: Wisconsin Air Pollution Control Regulation NR 154.13.

2. (i) Compliance schedules. The owner or operator of any stationary source in the Southeast Wisconsin AQCR subject to NR 154.13 shall notify the Administrator no later than October 1, 1973, of his intent either to install necessary control systems per Wisconsin Air Pollution Control Regulation NR 154.13(2) or to switch to an exempt solvent per Wisconsin Air Pollution Control Regulation NR 154.13(3) to comply with the requirements of Wisconsin Air Pollution Control Regulation NR 154.13.

(ii) Any owner or operator of a stationary source subject to subparagraph (c) (2) (i) of this paragraph who elects to comply with the requirements of NR 154.13 by installing a control system shall take the following actions with respect to the source no later than the specified dates.

(a) November 1, 1973 - Advertise for bids for purchase and/or construction of control system or purchase of requisite material for process modification sufficient to control hydrocarbon emissions from the source.

(b) December 15, 1973 - Award contracts or issued order for purchase and/or construction of control system or purchase of requisite material for process modification sufficient to control hydrocarbon emissions from the source.

(c) April 15, 1974 - Initiate onsite construction or installation of control system or process modification.

(d) November 1, 1974 - Complete onsite construction or installation of control system or process modification.

(e) January 1, 1975 - Achieve final compliance with Wisconsin Air Pollution Control Regulation NR 154.13.

(iii) Any owner or operator of a stationary source subject to paragraph (c) (2) (i) of this section, who elects to comply with the requirements of Wisconsin Air Pollution Control Regulation NR 154.13 by switching to an exempt solvent, shall take the following actions with respect to the source no later than the dates specified.

(a) April 1, 1974 - Begin testing exempt solvents.

(b) June 1, 1974 - Issue purchase orders for exempt solvents.

(c) December 1, 1974 - Convert to complete use of exempt solvent.

(d) January 1, 1975 - Achieve full compliance with Wisconsin Air Pollution Control Regulation NR 154.13

(iv) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

3. (i) None of the above subparagraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by October 1, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than October 1, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated

by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

4. Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(10.0) 52.2579 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

(a) Highways and roads.

(b) Parking facilities.

(c) Retail, commercial and industrial facilities.

(d) Recreation, amusement, sports and entertainment facilities.

(e) Airports.

(f) Office and Government buildings.

(g) Apartment and condominium buildings.

(h) Education facilities.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.

(vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).

(viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In an SMSA:

(a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:

(i) For all indirect sources subject to this paragraph, other than highway projects:

(a) The name and address of the applicant.

(b) A map showing the location of the site of indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.

(f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.

(g) Availability of existing and projected mass transit to service the site.

(h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.

(i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

(c) A map showing the location of the highway project, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines

published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

(5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.

(ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.

(6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.

(iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000

or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

(7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.

(8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional

land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:

(a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

(c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(17.0) 52.2581 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Pollutant	Area Designations: Class I (ug/m^3)	Area Designations: Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed

under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, *Indian Governing Body, or Federal Land* Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (111) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(39 FR 42514, Dec. 5, 1974; 40 FR 2802, Jan. 16, 1975, as amended at 40 FR 24535, June 9, 1975; 40 FR 25005, June 12, 2975; 40 FR 42012, Sept. 10, 1975)